

REMARKS

The applicant respectfully requests reconsideration in view of the amendment and the following remarks. The applicant has amended the claims as suggested by the Examiner in to overcome the 35 U.S.C. 112 rejection. Support for newly added claim 10 can be found in the original claim 3. Support for newly added claims 11 and 12 can be found in paragraph no. [0060] of the published application US 2005/0252761. Support for newly added claims 13 and 14 can be found in paragraph no. [0061] of the published application US 2005/0252761. Support for newly added claims 15-18 can be found in the original claims 4-7.

The Office Action, mailed May 8, 2008, objected to figures 4 to 7, objected to the abstract, and rejected Claims 1-9 under 35 U.S.C. 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant respectfully traverses this rejection.

Applicant thanks the Examiner for indicating that Claims 1-9 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112. As part of this submission, Applicant respectfully traverses the objections to figures 4-7, and submits that the amended abstract and claims fully address any and all issues in full.

With respect to the 35 U.S.C. 112, second paragraph rejection over the phrase “the ratio an IPDA fraction having a cis/trans isomer ratio of 66/34 in claim 1, iv) appears to be at odd with the ratio of at least 73/27 initially recited in claim 1.” The applicant respectfully disagrees. Claim 1 requires

...

- iii) an **IPDA fraction** having a cis/trans isomer ratio of $\geq 73/27$ and
- v) a **depleted IPDA fraction** having a cis/trans isomer ratio of $\leq 66/34$.

The applicant believes that the terms in claim 1 are consistent. The applicant believes that the claims as amended are in compliance with 35 U.S.C. 112, second paragraph. For the above reasons, this rejection should be withdrawn.

In regards the drawings, Fig. 4-7 are schematic illustrations of a plant in which all three columns are conventional columns (present application, ¶ 68). ¶ 52-57 of the present application describe the three column design variants in detail, where the cis-isomer-enriched fraction (iii) is purified and withdrawn. Furthermore, Claim 8 recites three conventional distillation columns. These figures illustrate the process of the invention by a specific sequence of the columns. Each column is known but the sequence is specific to the invention. As a result, it is clear that Fig. 4-7 illustrate novel embodiments and not "that which is old." Therefore, Applicant respectfully submits that the drawings are in condition for allowance.

In view of the above amendment, applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 13156-00006-US from which the undersigned is authorized to draw.

Dated: July 18, 2008

Respectfully submitted,

Electronic signature: /Ashley I. Pezzner/
Ashley I. Pezzner
Registration No.: 35,646
CONNOLLY BOVE LODGE & HUTZ LLP
1007 North Orange Street
P. O. Box 2207
Wilmington, Delaware 19899-2207
(302) 658-9141
(302) 658-5614 (Fax)
Attorney for Applicant